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Case Number: 200000044

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PAGE 01 BUENOS 04442 01 OF 02 151204Z
ACTION ARA-14

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-01
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 0957

[REDACTED] SECTION 1 OF 2 BUENOS AIRES 4442

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E.O. 11652: GDS
TAGS: PINT, PINS, AR, SHUM
SUBJECT: ARGENTINE HUMAN RIGHTS SITUATION; A GENERAL REVIEW

SUMMARY: THE HUMAN RIGHTS SITUATION IN ARGENTINA IS STILL
OMINOUS. ARGENTINE CITIZENS CONTINUE TO "DISAPPEAR",
TERRORIST COMBATANTS ARE UNDERSTOOD TO BE SYSTEMATICALLY
ELIMINATED (IN DETENTION AND DURING COUNTER-TERRORIST RAIDS)
AND SECURITY FORCES (WHO ARE NOW ACKNOWLEDGED TO BE IN
COMPLETE CONTROL OF THE COUNTER-TERRORIST EFFORT) CONTINUE
TO USE HARSH AND ARBITRARY METHODS AGAINST SUSPECTS, INCLUDING
ILLEGAL ABDUCTIONS, PROLONGED DETENTIONS AND TORTURE. THESE
METHODS HAVE ALSO APPLIED TO PERSONS SUSPECTED OF ECONOMIC
CORRUPTION AND BREAKING POLITICAL CENSORSHIP LAWS, ALTHOUGH
MOST OF THESE CASES HAVE EVENTUALLY BEEN ASSIGNED EITHER TO
MILITARY OR CIVILIAN COURTS. ON THE POSITIVE SIDE, INCREASING
NUMBERS OF DETAINEES ARE BEING LISTED AS BEING IN THE HANDS
OF THE EXECUTIVE AND AUTHORIZED TO LEAVE THE COUNTRY.
PRESIDENT VIDELA HAS DEMONSTRATED SOME SUCCESS IN CURBING THE
HARDLINE ZEAL FOR A RIGHT-WING TAKEOVER OVER OF GOVERNMENT, THE
CHURCH AND COURTS ARE INCREASINGLY SPEAKING OUT ON THE HUMAN
RIGHTS PROBLEM, AND THERE IS AN INDICATION THE MILITARY MAY

PAGE 02 BUENOS 04442 01 OF 02 151204Z ARGENTINA PROJECT (S200000044)

Current Class: [REDACTED]

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Margaret P. Grafeld, Director

Page: 1

☒ Release () Excise () Deny

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UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1977BUENOS04442

Page: 2

Channel: n/a

Case Number: 200000044

ESTABLISH A "REHABILITATION PROGRAM" IN WHICH marginally involved members of subversive organizations will be turned over to the courts for legal processing. The Videla Govt continues to appear to have a moderating influence on internal political and security matters and remains probably the most acceptable and only alternative to a more repressive regime espoused by military hardliners. END SUMMARY.

While it is difficult to distinguish a specific trend in human rights practices in Argentina, certain observations can be made:

1. IN GENERAL, THE METHODS ADOPTED BY THE SECURITY FORCES IN THE ANTI-SUBVERSIVE CAMPAIGN REMAIN ARBITRARY AND HARSH. PERSONS CONTINUE TO BE ABDUCTED BY ARMED MEN CLAIMING TO BE POLICE AND MILITARY OFFICIALS. FAMILIES ARE RARELY OR ONLY BELATEDLY INFORMED ABOUT THE WHEREABOUTS AND STATUS OF THEIR DETAINED RELATIVES. PERSONS DETAINED INCOMMUNICADO ARE REGULARLY SUBJECTED TO BOTH PHYSICAL AND PSYCHOLOGICAL TORTURE DURING DETENTION AND INTERROGATION SESSIONS. TERRORIST COMBATANTS ARE SYSTEMATICALLY ELIMINATED. OTHERS ARE SECRETLY KEPT AT THE DISPOSITION OF THE ARMED FORCES OR POLICE UNTIL FURTHER INFORMATION IS AVAILABLE OR A DECISION IS MADE CONCERNING THE INDIVIDUAL. SOME OF THESE PERSONS MAY BE KILLED AS MILITANT TERRORISTS; OTHERS MAY BE RELEASED AFTER BEING THREATENED TO KEEP QUIET ABOUT THEIR EXPERIENCES; OTHERS MAY EVENTUALLY BE LISTED AS PERSONS DETAINED AT THE DISPOSITION OF THE EXECUTIVE (PODER EXECUTIVE NACIONAL--PEN) AND DETAINED IN REGULAR PRISONS WHERE NORMALLY THEY CAN RECEIVE FAMILY VISITS, LAWYERS, AND REASONABLE FOOD AND TREATMENT.
2. RECENTLY, KINDS OF ARRESTS UNDER PEN HAVE WIDENED. WHEREAS PREVIOUSLY MOST OF THOSE DETAINED--EITHER ILLEGALLY OR UNDER STATE OF SIEGE PROVISIONS--FELL INTO THE CATEGORY OF TERRORIST SUBVERSIVES, NOW PERSONS ARE DETAINED UNDER PEN FOR ECONOMIC "SUBVERSION", INFRACTIONS OF POLITICAL CENSORSHIP LAWS, CORRUPTION, MALFEASANCE AND IMPROPER EXECUTION OF ONE'S PUBLIC RESPONSIBILI-

PAGE 03 BUENOS 04442 01 OF 02 151204Z

TIES (SUCH AS IN THE CASE OF GEN. LANUSSE CHARGED IN THE ALUAR CASE). MANY OF THESE PERSONS WERE DETAINED WITH THE SAME DISREGARD FOR DUE PROCESS: ARRESTED WITHOUT WARRANT, ROUGHLY TREATED DURING DETENTION, HELD INCOMMUNICADO FOR SOME TIME BEFORE FAMILIES AND LAWYERS WERE NOTIFIED, HELD UNDER VAGUE ACCUSATIONS BY THE EXECUTIVE

Current Class: [REDACTED]

Page: 2

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1977BUENOS04442

Page: 3

Channel: n/a

Case Number: 200000044

WITHOUT THE FILING OF FORMAL CHARGES. THESE ACTIONS INVOLVED MANY IMPORTANT JOURNALISTS AND PUBLIC FIGURES, ALSO BUSINESSMEN AND WELL KNOWN FIGURES IN THE JEWISH COMMUNITY, GIVING RISE TO CONSIDERABLE CONCERN THAT A VAST RIGHT-WING PURGE WAS BEING LAUNCHED AGAINST ANYONE VAGUELY SUSPECTED OF SUBVERSIVE OR "INAPPROPRIATE" ATTITUDES AD DEFINED BY HARD-LINE ELEMENTS IN THE ARMED FORCES AND POLICE. TIME HAS ASSUAGED SOME OF THESE FEARS, AS VIDELA HAS MANAGED TO COOL SOME OF THE MORE STRIDENT RHETORIC AND HARD-LINE SENSATIONALISM SURROUNDING RECENT ECONOMIC AND POLITICAL SCANDALS. THE GRAIVER CASE WAS ASSIGNED TO ARMY GENERAL GALLINO WHO HAS COMPLETED HIS INVESTIGATION QUIETLY AND SUBMITTED HIS FINDINGS TO FIRST CORPS COMMANDER SUAREZ MASON. REPORTEDLY THE MILITARY WILL DETERMINE WHICH ASPECTS OF THE CASE WILL BE TURNED OVER TO MILITARY COURTS (PROBABLY THOSE INVOLVING ALLEGATIONS OF SUBVERSIVE LINKS) AND WHICH TO THE REGULAR CRIMINAL COURTS (PRESUMABLY THOSE INVOLVING ECONOMIC INFRACTIONS). THE ALUAR CASE IS CURRENTLY IN THE HANDS OF AN APPEALS COURT WHICH IS REVIEWING THE HANDLING OF THE PRELIMINARY INVESTIGATIVE STAGE BY FEDERAL JUDGE MARQUARDT. THE RELAXING OF THESE TWO EXPLOSIVE ISSUES, AS WELL AS RECENT DIPLOMATIC SUCCESSES IN VENEZUELA AND AMONG HIS OWN MILITARY COLLEAGUES, SEEM TO HAVE STRENGTHENED VIDEAL'S HAND OVER HARD-LINE FACTIONS WITHIN THE MILITARY. THERE IS UNCONFIRMED INFORMATION THAT VIDELA WANTS ECONOMIC CASES TO BE DISTINGUISHED FROM SUBVERSIVE CRIMES AND HANDLED BY NORMAL CIVILIAN JUSTICE PROCEDURES.

3. THE SECURITY FORCES APPEAR TO HAVE ASSUMED COMPLETE CONTROL OF THE COUNTER-TERRORISM EFFORT AND THE MILITARY GOVT MUST BE CONSIDERED FULLY RESPONSIBLE FOR INTERNAL SECURITY EFFICIENCY AND PRACTICES. THERE ARE NO PARA-POLICE OR PARA-MILITARY BANDS OPERATING OUT OF CONTROL OF AUTHORITIES; THE TRIPLE A HAS BEEN

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PAGE 04 BUENOS 04442 01 OF 02 151204Z

DISPERSED AND ITS MEMBERS JAILED FOR COMMON CRIMES. PRESIDENT VIDELA IS AWARE OF AND, IN GENERAL TERMS, APPROVES OF METHODS USED TO COMBAT TERRORISM AND ELIMINATE ITS COMBATANT MEMBERS.

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Current Class: [REDACTED]

Page: 3

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1977BUENOS04442

Page: 4

Channel: n/a

Case Number: 200000044

[REDACTED]
PAGE 01 BUENOS 04442 02 OF 02 151339Z
ACTION ARA-14

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
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[REDACTED] SECTION 2 OF 2 BUENOS AIRES 4442

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THERE APPEARS TO BE NO DISPUTE OVER THIS GOAL OF THE THREE ARMED FORCES. VIDELA, HOWEVER, HAS ACKNOWLEDGED AND EXPRESSED PUBLIC CONCERN OVER "EXCESSES IN REPRESSION BY THE FORCES OF ORDER" (PRESS CONFERENCE IN VENEZQDLA ON MAY 12). AND THE FAILURE OF THE GOVT TO STEM THE CONTINUING DISAPPEARANCE OF ARGENTINE CITIZENS. VARIOUS UNITS OF THE THREE ARMED FORCES AND THE POLICE ARE KNOWN TO KEEP THEIR OWN "PRISONERS" WHOSE IDENTITIES, STATUS AND FINAL DISPOSITION ARE NOT ALWAYS REPORTED OR SUBJECT TO THE PRESIDENT'S IMMEDIATE CONTROL. VIDELA HIMSELF IS BELIEVED TO REGRET THIS SITUATION BUT REMAINS UNABLE OR UNWILLING TO CONFRONT HIS OWN CORPS COMMANDERS OR OTHER BRANCHES OVER THEIR CONDUCT OF THE WAR AGAINST TERRORISM IN THEIR OWN AREAS. HE IS BELIEVED TO EXERCISE A MODERATING INFLUENCE, HOWEVER, AND HAS PROBABLY CURBED MORE VIOLENT AND WIDESPREAD HUMAN RIGHTS ABUSES BY HIS ESPOUSAL OF MODERATION, HIS SUPPORT FOR THE CHURCH, HIS ABILITY TO DEFUSE POLITICAL MANEUVERING BY HARD-LINE FACTIONS, AND HIS RELATIVE OPENESS AND SENSITIVITY TO INTERNATIONAL OPINION.

4. THE BATTLE AGAINST ARMED TERRORISM IS ALMOST WON. THE CAPABILITY OF TERRORIST GROUPS TO LAUNCH MAJOR ARMED ATTACKS HAS BEEN DESTROYED AND APPROXIMATELY 80 PER CENT OF THE COMBATIVE STRENGTH OF BOTH THE ERP AND MONTONEROS HAS BEEN WIPED OUT. GOA

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PAGE 02 BUENOS 04442 02 OF 02 151339Z

ESTIMATES APPROXIMATELY 100 ERP COMBATANTS AND 500-1000 MONTONERO

Current Class: [REDACTED]

Page: 4

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1977BUENOS04442

Page: 5
Channel: n/a

Case Number: 200000044

MILITANTS REMAIN AT LARGE. IMPROVED COUNTER-TERRORISM EFFICIENCY, CENTRALIZED COMPUTERIZED INTELLIGENCE AND THE BREAKDOWN OF THE TERRORIST GROUPS' COMMUNICATIONS NETWORK, ARMS FACTORIES, SOURCES OF FUNDS AND COORDINATION OF CELLS HAVE SPED THE DEMISE OF TERRORIST STRENGTH WITHIN ARGENTINA.

5. SPECTACULAR INCIDENTS INCLUDING THE MURDER OF FIVE CATHOLIC PRIESTS AND THE BOMBING OF 30 BODIES IN PILAR IN MID-1976 HAVE LARGELY CEASED. REFUGEES, SOME MEMBERS OF THE JEWISH COMMUNITY, TEACHERS, PROFESSIONALS AND OTHER GROUPS CONTINUE TO BE HARASSED BY OVERLY ZEALOUS AND IRRESPONSIBLE ELEMENTS IN THE SECURITY FORCES AND POSSIBLY OTHER RIGHT-WING FANATICS BUT DO NOT APPEAR TO BE SINGLED OUT FOR SYSTEMATIC AND OFFICIALLY DELIVERATE REPRESSION. ON THE OTHER HAND, MEMBERS OF THE COMMUNIST PARTY, STUDENT GROUPS, JOURNALISTS AND PSYCHOLOGISTS HAVE FIGURED SIGNIFICANTLY AMONG THOSE PERSONS REPORTEDLY DISAPPEARED OR SUMMARILY DETAINED UNDER PEN IN RECENT WEEKS.

6 THE SUBJECT OF HUMAN RIGHTS ABUSES, DISAPPEARANCES AND GENERAL CONCERN OVER THE INTERNAL SECURITY SITUATION IS BEING AIRED MORE OPENLY IN RECENT MONTHS. THE BISHOPS CONFERENCE DOCUMENT DENOUNCING TORTURE, DISAPPEARANCES AND HUMAN RIGHTS ABUSES WAS ACKNOWLEDGED BY VIDELA AND OTHER GOVT OFFICIALS AND IN NEWSPAPER EDITORIALS. THE SUPREME COURT AND FEDERAL COURTS HAVE TAKEN THE EXECUTIVE TO TASK FOR UNSATISFACTORY RESPONSES TO HABEAS CORPUS INQUIRIES AND JUDICIAL ORDERS. (THE EXECUTIVE, HOWEVER, APPARENTLY CONTINUES TO IGNORE OR APPEAL COURT DECISIONSON SECURITY CASES.) A COURT HAS DECLARED THE BAN AGAINST THE DIVINE LIGHT MISSION UNCONSTITUTIONAL--THE GOVT APPEALED; ANOTHER COURT PROTECTED JEHOVAHS WITNESSES SCHOOLCHILDREN FROM DISCRIMINATION IN ENROLLING IN PUBLIC SCHOOLS. NEWSPAPERS, INCLUDING THE PRO-GOVERNMENT LA NACION, HAVE WRITTEN EDITORIALS COMMENDING THE COURTS' DEFENSE OF THE RIGHT OF HABEAS CORPUS AND VIDELA'S FRANK EXPOSITION ON HUMAN RIGHTS PROBLEMS IN ARGENTINA. COMMENT: THE HUMAN RIGHTS SITUATION IN ARGENTINA HAS SEEN

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PAGE 03 BUENOS 04442 02 OF 02 151339Z

IMPROVEMENT IN SOME AREAS AND A DISTURBING TREND TOWARD "INSTITUTIONALIZATION" OF ARBITRARY AND ABUSIVE TREATMENT ON THE PART OF GOVT AND MILITARY OFFICIALS ON THE OTHER. THE EXPANSION OF ILLEGAL AND PROLONGED DETENTIONS FOR ECONOMIC AND IDEOLOGICAL "CRIMES" IS WORRISOME; HOW QUICKLY AND FAIRLY THE GRAIVER AND ALUAR CASES ARE RESOLVED, ALSO THOSE INVOLVING FOR

Current Class: [REDACTED]

Page: 5

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1977BUENOS04442

Page: 6

Channel: n/a

Case Number: 200000044

EXAMPLE JACOBO TIMERMAN FOR ECONOMIC CRIMES AND ROBERT COX FOR VIOLATING CENSORSHIP LAWS, SHOULD HELP INDICATE WHETHER SUCH ARBITRARY AND SENSATIONAL ACTIONS HAVE GROWN OUT OF CONTROL. WHAT IS NOW CLEAR IS THAT THE ARMED FORCES ARE COMMITTED TO ELIMINATION OF ALL TERRORIST COMBATANTS--ALL THOSE "WITH BLOOD ON THEIR HANDS", REGARDLESS OF WHETHER EFFECTED DURING UNACKNOWLEDGED DETENTION OR INTERROGATION OF SUSPECTS, OR IN SHOOTOUTS WITH SECURITY FORCES DURING G ADS#OR IDENTIFICATION

CHEKCS. SOME INNOCENT OR marginally INVOLVED PPERSONS COULD POSSIBLY BE CAUGHT IN THIS EFFORT. RECENTLY THERE HAVE BEEN INDICATIONS THAT THE MILITARY IS CONSIDERING A "REHABILITATION" PROGRAM FOR PERSONS BELIEVED TO BE ONLY marginally INVOLVED WITH TERRORIST ORGANIZATIONS. THESE PERSONS MIGHT, AFTER INTERROGATION AND INVESTIGATION, BE TURNED OVER TO THE SPECIAL MILITARY TRIBUNALS OR CRIMAL COURTS FOR LEGAL PROCESSING. SUCH A PROGRAM WOULD BE A MOVE TOWARD OBSERVATION OF DUE PROCESS AND CONSTITUTIONAL GUARANTEES, AND WOULD MARK, DESPITE THE SIGNIFICANT SUCCESSES IN THE ANTI-INSURGENCY EFFORT, THE ONLY IMPROVEMENT IN TERMS OF COUNTER TERRORIST METHODS. THE POLITICAL AND THUS THE HUMAN RIGHTS SITUATIONS CONTINUE TO BE DELICATE AND FLUID. FALLOUT FROM STRONG US INITIATIVES TO DEMONSTRATE US CONCERN OVER HUMAN RIGHTS HAS SUBSIDED TEMPORARILY AND CERTAIN POSITIONS AND ATTITUDES OF THE GOVT HAVE BECOME MORE CLEAR: ARGENTINE SOVEREIGNTY AND OPPOSITION TO US INTERFERENCE IN INTERNAL AFFAIRS WILL BE STAUNCHLY DEFENDED; TERRORISTS WILL BE ELIMINATED; ARGENTINA'S DEFENSE TO HUMAN RIGHTS CRITICISM WILL BE THAT IT IS MISUNDERSTOOD, MISREPRESENTED AND THE OBJECT OF A DEFAMATION CAMPAIGN ORCHESTRATED FROM LEFTIST AGENTS ABROAD. AT THE SAME TIME, VIDELA IS SEEKING TO ESTABLISH

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PAGE 04 BUENOS 04442 02 OF 02 151339Z

HIS MODERATE POSITION; SOME NOTORIOUS HARDLINERS HAVE BEEN OR WILL BE RETIRED, OR AT LEAST PARTIALLY NEUTRALIZED; GREATER NUMBERS OF ARGENTINE CITIZENS ARE BEING LISTED AS RELEASED FROM PEN AND AUTHORIZED TO LEAVE THE COUNTRY; THE MYTH OF PARA-MILITARY FREE-LANCE AGENTS HAS BEEN LAID TO REST AND THE GOVT IS BEGINNING TO ACKNOWLEDGE INTERNAL SECURITY ABUSES AND SOME LIMITED CRITICISM FROM THE CHURCH AND COURTS.
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Current Class: [REDACTED]

Page: 6

UNCLASSIFIED